

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00200

ANTWAUN MAURICE WINBUSH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 15, 2020, and June 24, 2020, the United States of America appeared by Julie M. White, Assistant United States Attorney, and the defendant, Antwaun Maurice Winbush, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on June 17, 2019, as more fully set forth in the Amended Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 11, 2019.

The court heard the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has repeatedly violated the conditions of supervised release in the following respects: 1) the defendant committed a state offense when he was found to be in possession of marijuana, a controlled substance, on November 2, 2019, as evidenced by his plea of guilty and his conviction in Jackson County, West Virginia, on February 13, 2020; (2) the defendant on November 2, 2019, was found to be outside the Southern District of Ohio when he was arrested in the Southern District of West Virginia without having received permission from the court or the probation officer to be outside of the Southern District of Ohio; (3) the defendant committed a state offense when he was found to be in possession of a controlled substance on December 20, 2019, as evidenced by his plea of guilty and his conviction in Fayette County, West Virginia, on January 3, 2020; and (4) the defendant committed a state offense when he was found in a residence in Charleston, West Virginia, to be in possession of 67 grams of marijuana at the time of the execution of a search warrant by the Charleston Police Department on January 31, 2020; all as set forth in the petition on supervised release and the amendment

thereto and by the court's findings on the record of the hearing.

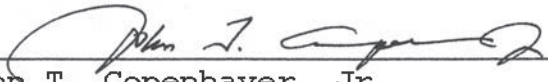
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWENTY ONE (21) MONTHS less 345 days credit for overserved time on the underlying offense for which he was on supervised release. No further term of supervised release is imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 6, 2020



John T. Copenhaver, Jr.
Senior United States District Judge